

31 Geo III
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(417)
B.S. 200/1 (III)

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AN
ACT
FOR

Enlarging the Term and Powers of an Act, of the Fifth Year of His present Majesty, for repairing the Road leading from *Chapel on the Heath*, in the County of *Oxford*, to *Bourton on the Hill*, in the County of *Gloucester*.

 **WHEREAS** an Act of Parliament was made, in the Fifth Year of the Reign of His present Majesty, for repairing the Road leading from *Chapel on the Heath*, in the County of *Oxford*, to *Bourton on the Hill*, in the County of *Gloucester*; and several Tolls and Powers are thereby given and granted, to enable the Trustees for the Care of the said Road to amend, widen, and keep the same in Repair:

Preamble
recites Act
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And whereas the Sum of Two Thousand Four Hundred Pounds is now due and owing upon the Credit of the said Tolls, and the Trustees are not authorized to borrow any further Sum of Money on the Credit of the said Tolls:

And whereas Part of the said Road, extending over *Salford* and *Little Compton Hills*, is steep, and difficult of Ascent, so as to be incommodious and unsafe for Carriages; and it will require a considerable Sum of Money to alter and improve the Levels of the said Hills:

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And

And whereas the present Tolls, authorized to be collected by virtue of the said Act, are insufficient to effect the Purposes aforesaid, and also the Purpose of widening other Parts of the said Road, and it is expedient that some of the said Tolls should be increased, and the Term of the said Act enlarged, and some other Amendments and Alterations made in the said Act:

May it therefore please Your MAJESTY,

Former Act continued for a further Term.

That it may be Enacted; And be it Enacted by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and the several Powers, Provisions, Matters, and Things therein contained (except such as are hereby altered or varied, and as relate to Exemptions from Stamp Duties) shall be and remain in full Force and Effect, and shall have Continuance, from and after the Expiration of the present Term of the said recited Act, for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, in like Manner, and as fully and effectually, in all Respects, as if the same were repeated and re-enacted in the Body of this present Act; which additional Term hereby granted shall be, and is hereby declared to be, subject and liable to the Payment of all Money now due and owing upon the Credit of the said recited Act, and all Interest due and to grow due for the same.

Former Tolls to cease, and new ones granted.

And be it further Enacted, That the several Tolls granted in and made payable by virtue of the said recited Act shall, from and after the First Day of *September* One thousand Seven hundred and Ninety-one, cease, determine, and be no longer paid or payable; and that instead thereof the following Tolls shall be demanded and taken, by virtue of the said recited Act and this Act, at the several Turnpikes erected or to be erected upon the said Road, or on the Sides thereof, before any Horse or other Cattle or Beast shall be permitted to pass through the same; (that is to say)

For every Horse, Mare, Gelding, or Mule, drawing any Coach, Berlin, Chariot, Chaise, Calash, Chair, or other such like Carriage, the Sum of Three Pence Halfpenny:

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Waggon, Wain, Carr, Cart, or other such like Carriage, having

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ing the Fellies of the Wheels of less Breadth than Six Inches, the Sum of Four Pence Halfpenny :

For every Horse, Mare, Gelding, Mule, or Afs, drawing any Waggon, Wain, Carr, Cart, or other such like Carriage, having the Fellies of the Wheels of the Breadth of Six Inches or upwards, the Sum of Two Pence :

For every Horse, Mare, Gelding, Mule, or Afs, laden or unladen, and not drawing, the Sum of One Penny :

For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence *per* Score ; and so in Proportion for any greater or lesser Number : And,

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence *per* Score ; and so in Proportion for any greater or lesser Number.

Provided always, That none of the Tolls by this Act granted shall be increased by virtue of an Act of Parliament of the Thirteenth Year of the Reign of His present Majesty, relating to the Turnpike Roads in this Kingdom, any Thing in the said Act to the contrary hereof notwithstanding.

Tolls not to be increased by the General Turnpike Act.

And be it further Enacted, That the said Trustees, or any Seven or more of them, may from Time to Time, with the Consent of the Person or Persons who shall be entitled to Two-thirds of the Money then due and owing on the Credit of the said Tolls, lessen or reduce all or any Part of the said Tolls, and raise the same again, so as not to exceed the Tolls hereinbefore granted, but no Alteration shall at any Time be made in the said Tolls, unless Notice in Writing be given for that Purpose, by affixing the same upon all the Turnpikes then erected upon the said Road, at least Ten Days before such Alteration ; and such Tolls so lessened or reduced shall be collected, recovered, and applied in the same Manner as the Tolls hereinbefore granted are directed to be collected, recovered, and applied.

Power to reduce the Tolls.

Provided always, and it is hereby Declared, That no Person shall be subject to pay the Tolls hereby granted at more than Two Gates on the same Day, for or in respect of the same Horse, Cattle, or Carriage, passing or repassing upon the said Road, in Case more than Two Gates should hereafter be erected thereon.

Toll not to be paid at more than Two Gates in a Day.

And whereas the Tolls granted by the said former Act are now upon Lease, and it will be unreasonable that the Lessees should receive more than they would by the former Tolls, **Be it therefore further Enacted,** That nothing in this Act contained shall authorize

Lessees of the Tolls not to be entitled to the Increase of the Tolls.

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the said Lessees to retain to their own Use more Money than they would have been entitled to if the former Tolls had continued to be paid, and that the said Lessees shall and are hereby required to account to the said Trustees for so much Money as they shall by virtue of this Act receive over and above the former Tolls, unless the said Trustees, or any Five or more of them, shall agree with the said Lessees for an additional Rent to be paid in Consideration of the Increase made in the Tolls by this Act.

Quorum of
the Trustees
lessened in
certain
Cases.

And whereas it would be a Convenience in the Execution of the said Act, if the Quorum of the Trustees were in some Cases lessened; Be it therefore further Enacted, That all Acts, Matters, and Things, which by the said recited Act are authorized or directed to be done or performed by Thirteen or more of the said Trustees, shall and may for the future be done or performed by any Seven or more of the said Trustees, and shall be as valid and effectual in the Law, to all Intents and Purposes, as if done or performed by any Thirteen or more of the said Trustees.

The Road to
be made Six-
ty Feet wide.

And, in order to render the said Road sufficiently wide and commodious, Be it further Enacted, That the said Trustees, or any Seven or more of them, shall and are hereby empowered, as soon as conveniently may be, if it shall appear to them fit and proper so to do, to widen such Parts of the said Road as shall be necessary, so as to render the same in all Parts Sixty Feet wide at the least between the Fences.

Power to
borrow a fur-
ther Sum of
Money.

And whereas the Trustees may have Occasion to borrow a further Sum of Money than by the said Act they are empowered to do, Be it therefore further Enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to borrow and take up at Interest, on the Credit of the Tolls hereby granted, in the Manner directed by the said recited Act, with respect to the Money thereby authorized to be borrowed, any Sum or Sums of Money not exceeding One thousand Six hundred Pounds, over and above the Sum of Two thousand Four hundred Pounds already borrowed, and now due and owing as aforesaid.

The Trustees
for the Eve-
sham Roads
to contribute
towards im-
proving the
Chapel Heath
Road.

And whereas the said Road communicates with the Second District of the *Evesham* Turnpike Roads, and the repairing and widening the same, and rendering such Part thereof as leads over *Salford* and *Little Compton Hills* safe and commodious, will tend to increase the Tolls arising within the Second District of the *Evesham* Roads, and on that Account the Trustees for the

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the Care of those Roads have consented to contribute towards the Expence thereof; Be it therefore further Enacted, That the Trustees for carrying into Execution certain Acts of Parliament, of the First, Seventeenth, and Thirtieth Years of the Reign of King *George* the Second, and the Twenty-ninth Year of the Reign of His present Majesty, for repairing several Roads leading from the Borough of *Evesham*, and several other Roads in the Counties of *Worcester* and *Gloucester*, shall and are hereby required, out of the Tolls arising within the Second District of the Roads comprised in the said Acts, to pay to the Treasurer to the Trustees for the Care of the said Road leading from *Chapel on the Heath* to *Bourton on the Hill*, the Annual Sum of Fifty Pounds, for the Term of Twenty Years next after the passing of this Act, the First Payment thereof to be made upon *Thursday* the First Day of *September* One thousand Seven hundred and Ninety-one, and the future Payments upon the First *Thursday* in *September* in every succeeding Year; which Money shall be applied in altering the Levels of the Road over *Salford* and *Little Compton Hills* aforesaid, and in widening and improving any other Parts of the said Road leading from *Chapel on the Heath* to *Bourton on the Hill*, in such Manner as the Trustees for the Care of that Road, or any Five or more of them, shall think proper.

And be it further Enacted, That all the Charges and Expences attending the obtaining and passing of this Act shall be paid out of any Money already received, or to be received, by virtue of the said recited Act of the Fifth Year of the Reign of His present Majesty, or this Act; and that this Act shall be deemed and taken to be a Public Act, and shall be taken Notice of as such by all Judges, Justices, and other Persons, without specially pleading the same.

Expences of
the Act.

Public Act.

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31 Geo. III.
1791.

